

COMMISSION ON COMMON OWNERSHIP COMMUNITIES

Minutes of the Monthly Meeting
1401 Rockville Pike, 5th Floor, Rockville, MD 20850
September 4, 2019

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:03 pm by Chairman Mark Fine

Commissioners present: [13] BURROWS, ETHIER, FINE, GARDNER, GELFOUND, GIZA, MALAMUD, MYO KHIN, PERPER, SMITH, STEINBACH, VINEY, & YOUNG. Also present: Rand Fishbein, Commissioner Emeritus

Staff present: Walter Wilson, Esq., Associate County Attorney; Mark Anders, Esq. Staff

Guests: Mark Suss, Edward Tuxin, V. Estrahan, N. Radi, Amir Karamloo, Mahin Khatami, Ginger Naglee, Jo Ellen Bilanin, Felix McKenna, Zhanna Makarova, S. Hussein, Ali Mozaffar

Commissioner Fine introduced the new Deputy Director of the Department of Housing and Community Affairs, Mr. Frank Demarais.

1. **Minutes:** No meeting was held in July. Commissioner Myo Khin moved to approve the minutes of the August 5, 2019 monthly meeting as presented. The motion was approved by majority vote; Commissioner Gelfound abstained.
2. **Community Forum:** n/a
3. **Submission of disputes for Commission consideration:** [Commissioner Ethier arrived late and did not take part in consideration of cases]
Jurisdiction - Default cases: There were no default cases to consider
Jurisdiction - Contested cases:
 #2019-045, Fioretti v. Greenfield Commons Condominium – After discussion, the case was returned to staff for further information and clarification regarding the “spending of association funds”.
 #2019-067, Tuvin v. Westlake Park Condominium – Commissioner Viney moved to accept jurisdiction and refer the case to a hearing panel. After discussion, the motion was approved, with Commissioner Fine recused and Commissioner Steinbach opposed.
 #2020-002, Parreco v. Esprit, a Condominium – Commissioner Gelfound moved to deny jurisdiction. After discussion, the motion was approved by unanimous consent.
4. **Decisions & Orders Issued:**
 #2019-019, Weinrich v. Tanterra HOA: Due to some incorrect language used in the Decision, all D&O’s will be reviewed by Chair prior to being issued.
5. **Decisions & Orders on Appeal (Circuit Court for Montgomery):**
 #2018-040, Dillin et al, v. The Willoughby of Chevy Chase and
 #2018-061, Nadri v. The Willoughby of Chevy Chase (consolidated)

6. **County Attorney's report:** Jarboe v. Takoma Condominium under review.
7. **DHCA report:** The statistical report for August 2019 was circulated at the meeting for discussion.
8. **Chair's report:** Commissioner Fine requests that everyone use his MOCO email address [mark.fine@montgomerycountymd.gov]. Commissioners must participate in monthly Director Training classes; volunteers are requested to assist in presenting the finance classes; Commissioner Fine will set up a "train the trainer" session. Several commissioners brought up a concern that board members attending the Budget v. Reserves classes were told the CCOC would either do a reserve study for them or review & update their current reserve study free of charge. The concern was a) that the Commission had not been apprised of this service, and b) whether it was appropriate and within the CCOC's mandate for the Chair or CCOC staff to offer this service. Commissioner Fine said these board members misunderstood his offer to use the "budgeting for reserves" tool. The Chair said he would seek guidance from management and tabled further discussion.
9. **Committee reports:**
 - a. Education & Outreach Committee: Training the trainers" class to be scheduled; discussion was held regarding the contract for development of a "Legislative Check-list" being awarded to an ineligible party, with no result.
 - b. Legislative & Budget Committee: [Dave Gardner, Chair] Discussed Delegate Holmes' summary of legislation from the summer study; potential changes to 10B will be discussed by the new committee at their next meeting: September 24th at 4:30 pm.
 - c. IT/Policy& Procedures Committee: [Mike Burrows, Chair] IT support has stalled, anticipated automation in Case Mgmt. system, such as searchable D&Os, is still "in progres"; previously approved changes to procedures & form letters in a "time line of a complaint" still in process of implementation.
11. Old business: n/a
12. New business: Discussion was held regarding mandatory mediation prior to jurisdiction, but DHCA is still not in favor of changing 10B for that; regarding Commission's need for more mediators, paid or pro bono, it was suggested the Commission use staff or commissioners to mediate disputes [they must recuse themselves from discussion and voting on case] and to explore an RFP for an experienced mediator to be paid hourly up to \$10,000.
 Commissioner Steinbach moved to have staff endeavor to use current or past Commissioners with a "mediator certificate" from Montgomery College to mediate cases; and to ask the Chair to explore an RFP for an experienced mediator to be paid hourly up to \$10,000 and report to commission next month. Motion approved by unanimous consent.
12. Meeting adjourned at 9:02 pm

Next meeting Wednesday, OCTOBER 4, 2019 at 7:00pm

Submitted by Kathy Viney,
Recording Secretary